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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,154	10/16/2003	David S. Benco	LUC-438/Benco 33-24-24-27	6638
47382 7590 08/17/2007 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER IQBAL, KHAWAR	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/687,154

**Applicant(s)**

BENCO ET AL.

**Examiner**

Khawar Iqbal

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-20,22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-20,22,24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-20,24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (20040203955) in view of Asikainen (6647272).

Regarding claim 9 White teaches a method for input of events and subsequent event notification to at least one mobile handset, comprising the steps of (figs. 1-4):

inputting to a network a computer generated message that is related to an event that is associated with a predetermined mobile handsets of a plurality of mobile handsets (para. # 0023, see fig. 1);

converting the computer generated message to a notification message in SMS form (para. # 0019,0023) ; and

automatically sending the notification message in SMS form from the network to the predetermined mobile handset of the plurality of the mobile handsets, and wherein all SMS messaging occurs only in the network(para. # 0018-0019,0023, fig. 1). White et al does not specifically teach wherein the event and computer generated message are formulated only in the public data network communication system.

In an analogous art, Asikainen teaches wherein the event and computer generated message are formulated only in the public data network communication

system (X.25 packet-switched network, fig. 1,col. 5,lines 30-31 and 63-67). Asikainen teaches the apparatus has a triggering event storage element for storing indicia identifying a triggering event. A triggering event detector (46) coupled detects occurrences at the transaction service provider of the triggering event. A notification message generator (48) coupled to the triggering event detector, the notification message generator generates the notification message when the triggering event detector detects the occurrences of a triggering event. A transaction service provider server is coupled to an X.25 packet-switched network (internet). When a triggering event is detected at the transaction server provider, a notification message is routed through the X.25 network to GSM network and then over a radio link to the wireless phone (12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of White et al by specifically adding public data network communication system feature in order to enhance system performance when a triggering event is detected at the transaction server provider, a notification message is routed through the public data network communication system to GSM network as taught by Asikainen.

Regarding claims 16,24 White teaches a system for input of events and subsequent event notification to at least one mobile handset, comprising (figs. 104):

a network operatively connected to at least a public data network communication system and to at least one mobile handset (para. # 0023);

the network having an input module operatively connected to the public data network communication system (para. # 0023);

the network having a conversion module operatively connected to the input module and to a plurality of mobile handsets that are uniquely identifiable (para. # 0023); and

the network having a communication module operatively connected to the conversion module and to the at least one mobile handset (para. # 0023);

wherein when a computer generated message, which is related to an event, is inputted from the public data network communication system, the computer generated message is converted to a notification message in SMS form, and the notification message is automatically sent in SMS form from the network to a selected one mobile handset of the plurality of mobile handset that are uniquely identifiable, and wherein all SMS messaging occurs only in the network (para. # 0018-0019,0023, fig. 1). White et al does not specifically teach wherein the event and computer generated message are formulated only in the public data network communication system.

In an analogous art, Asikainen teaches wherein the event and computer generated message are formulated only in the public data network communication system (X.25, fig. 1,col. 5,lines 30-31 and 63-67). Asikainen teaches the apparatus has a triggering event storage element for storing indicia identifying a triggering event. A triggering event detector (46) coupled detects occurrences at the transaction service provider of the triggering event. A notification message generator (48) coupled to the triggering event detector, the notification message generator generates the notification message when the triggering event detector detects the occurrences of a triggering event. A transaction service provider server is coupled to an X.25 packet-switched

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network. When a triggering event is detected at the transaction server provider, a notification message is routed through the X.25 network to GSM network and then over a radio link to the wireless phone (12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of White et al by specifically adding public data network communication system feature in order to enhance system performance when a triggering event is detected at the transaction server provider, a notification message is routed through the public data network communication system to GSM network as taught by Asikainen.

Regarding claims 10,17,25 White teaches recognizing, by the network, that the computer generated message is related to an event; and accepting, by the network, the event as an input to the network (para. # 0018-0019,0023, fig. 1, also see claim 1).

Regarding claims 11,18,26 White teaches an information part; and a designation part that designates a mobile handset (para. # 0023).

Regarding claims 12,19,27 White teaches wherein, upon inputting of the computer generated message that is related to an event, the network automatically checks the designation part for a valid mobile handset designation, and, if the mobile handset designation is valid, checks the information part for a valid event format (para. # 0021-0023,0017-0019).

Regarding claims 13,20 White teaches wherein, upon inputting of the computer generated message, the network automatically checks the designation part for a valid mobile handset designation (para. # 0021-0023,0017-0019).

Regarding claim 14 White teaches wherein, upon inputting of the computer generated message, the network automatically checks the information part for a valid event format (para. # 0021-0023,0017-0019, see claim 1).

Regarding claim 15 White teaches wherein, after inputting of the computer generated message that is related to an event, the network automatically converts the computer generated message to a notification message in SMS form and automatically delivers the notification message in SMS form to the designated mobile handset (para. # 0021-0023,0017-0019, further see claim 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (20040203955) and further in view of Asikainen (6647272) and Sawyer et al (5946629).

Regarding claim 22 White and Asikainen do not expressly teach the format details having the following fields, EVENT-MESSAGE-HEADER followed by EVENT-  
EVENT-DESTINATION, followed by EVENT\_DETIMITER, followed by EVENT\_TEXT, followed by EVENT-TRAILER, parsing each EVENT-MESSAGE to verify the HEADER, DETIMITER, and TRAILER fields; and converting, if the mobile terminal handset supports SMS, the EVENT-MESSAGE to an SMS message.

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In an analogous art, Sawyer et al. teaches the format having the following fields, EVENT-MESSAGE-HEADER followed by EVENT-DESTINATION, followed by EVENT\_DETIMITER, followed by EVENT\_TEXT, followed by EVENT-TRAILER, parsing each EVENT-MESSAGE to verify the HEADER, DETIMITER, and TRAILER fields; and converting, if the mobile terminal handset supports SMS, the EVENT-MESSAGE to an SMS message (Figure 3; col. 2, line 5 to 26; col. 3, line 47 to col. 4, line 47; col. 5, line 5 to 41; col. 6, line 43 to 55). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify White SMS notification system to include the format details" having the following fields, EVENT-MESSAGE-HEADER followed by EVENT-DESTINATION, followed by EVENT\_DETIMITER, followed by EVENT\_TEXT, followed by EVENT-TRAILER, parsing each EVENT-MESSAGE to verify the HEADER, DETIMITER, and TRAILER fields; and converting, if the mobile terminal handset supports SMS, the EVENT-MESSAGE to an SMS message in order to facilitating effectively providing SMS message notification to respective mobile device and therefore the user can be notified of the important or urgent message in a appropriate and timely manner such as taught by Sawyer et al.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 9-20,22,24-27 have been considered but are moot in view of the new ground(s) of rejection.



### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

K.I.

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER